

Eric J. Benink, Esq. (State Bar No. 187434)
Krause Kalfayan Benink & Slavens, LLP
625 Broadway, Suite 635
San Diego, California 92101
eric@kkbs-law.com
(619) 232-0331
(619) 232-4019

Jeffrey N. Mausner (State Bar No. 122385)
Law Offices of Jeffrey N. Mausner
Warner Center Towers
21800 Oxnard Street, Suite 910
Woodland Hills, California 91367
Jeff@mausnerlaw.com
(310) 617-8100; (818) 992-7500
(818) 716-2773

Attorneys for Plaintiff Perfect 10, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

RAPIDSHARE A.G., a corporation;
CHRISTIAN SCHMID; BOBBY
CHANG; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO. 09 CV 2596 H (WMC)

**MOTION AND NOTICE OF MOTION
OF PLAINTIFF PERFECT 10, INC. FOR
PRELIMINARY INJUNCTION
AGAINST DEFENDANTS
RAPIDSHARE A.G., CHRISTIAN
SCHMID, AND BOBBY CHANG**

[Filed concurrently with Memorandum of
Points and Authorities, Declarations of Dr.
Norman Zada and Melanie Poblete]

DATE: May 12, 2010

TIME: 1:30 p.m.

CTRM: 13

JUDGE: Hon. Marilyn L. Huff

Demand for Jury Trial

Discovery Cut-Off Date: None Set

Pretrial Conference Date: None Set

Trial Date: None Set

TO DEFENDANTS RAPIDSHARE A.G., CHRISTIAN SCHMID, AND BOBBY CHANG, AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 12, 2010 at 1:30 p.m., or as soon thereafter as the matter may be heard, in Courtroom 13, the Courtroom of the Honorable Marilyn L. Huff, located at 940 Front Street, San Diego, California 92101-8900, Plaintiff Perfect 10, Inc. (“Perfect 10”) will and hereby does move this Court for a preliminary injunction restraining and enjoining Defendants Rapidshare A.G. (“Rapidshare”), Christian Schmid, and Bobby Chang (collectively, “Defendants”), and each of them, from engaging in continuing acts of copyright infringement and unfair competition, in violation of 17 U.S.C. §§ 101 *et seq.* and Section 17200 *et seq.* of the California Business and Professions Code. In particular, Perfect 10 seeks a preliminary injunction including, but not limited to, the following relief, or such further and other relief as the Court deems proper:

During the pendency of this action, Defendants Rapidshare A.G., Christian Schmid, and Bobby Chang, and each of them, and any of their respective subsidiaries, affiliates, successors, officers, directors, employees, agents, representatives, any entities owned or controlled by Defendants, or any of them, and any persons acting in active concert or participation with any of them, shall be and are restrained and enjoined from:

(A) Copying, reproducing, distributing, displaying, adapting, offering, or making available for sale or downloading, or otherwise infringing or contributing to the infringement of, any copyrighted image or video owned by Perfect 10; and

(B) Unfairly competing with Perfect 10 by offering or making available for sale any motion picture, song, image, piece of computer software, or other material for which Rapidshare does not own the rights.

1 This Motion is made on the grounds that: (i) Perfect 10 is likely to succeed on
2 the merits of its copyright infringement and unfair competition claims; (ii) Perfect 10
3 will suffer irreparable harm if the Motion is not granted; (iii) the balance of the equities
4 tips in favor of Perfect 10; and (iv) an injunction is in the public interest.

5 This Motion is based upon this Motion and Notice of Motion, the
6 accompanying Memorandum of Points and Authorities, the Declarations of Dr.
7 Norman Zada and Melanie Poblete and all Exhibits thereto, all filed herewith, the
8 complete files and records in this action, all matters of which this Court properly
9 may take judicial notice, and any additional matters that may be submitted to the
10 Court at or before any hearing on the Motion, including in any reply papers.

11 Dated: April 11, 2010

Respectfully submitted,

12 Law Offices of Jeffrey N. Mausner

13 By: s/ Jeffrey N. Mausner
14 Jeffrey N. Mausner,
15 Attorney for Plaintiff Perfect 10, Inc.
16 Email: Jeff@MausnerLaw.com
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